

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN BALDINI,</b> <i>Plaintiff</i>  <b>v.</b>  <b>COUNTY OF DELAWARE,</b> <i>Defendant</i>	<b>CIVIL ACTION</b>  <b>NO. 24-1456</b>
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**ORDER**

**AND NOW** this 8th day of July, 2024, upon consideration of Defendant's Motion to Dismiss, ECF 11, this Court **GRANTS** Defendant's Motion on Counts II and III and **DENIES** Defendant's Motion on Count I. Additionally, as discussed in the accompanying Memorandum this Court accepts Plaintiff's Second Amended Complaint, ECF 10, as the operative pleading. Thus, Plaintiff's Motion to file an Amended Complaint, ECF 12, is **DENIED as moot**.

**BY THE COURT:**

/s/ **Michael M. Baylson**

**MICHAEL M. BAYLSON, U.S.D.J.**